

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL)
DEVELOPMENT PERMIT GRANTED TO)
CHARLES GABLE BY THE TOWN OF)
LA CONNER)

ALBERT AND NEVA M. MALDEN AND)
KELLY J. AND MADELEINE COOK,)

Appellants,)

v.)

TOWN OF LA CONNER AND CHARLES)
GABLE,)

Respondents.)

SHB No. 78-35

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

This matter, the request for review of a shoreline
substantial development permit granted to Charles Gable by the Town of
La Conner, came before the Shorelines Hearings Board, Dave J. Mooney,
Chairman, Chris Smith, Gerald D. Probst, Rodney Proctor, and David
Akana (presiding) at a hearing in Burlington on February 21, 1979.

Appellants appeared through Kelly Cook, Neva Malden and Albert
Malden, pro se; respondent Gable appeared pro se; respondent Town of

DA/LB

1 La Conner was represented by its attorney, T. Reinhard G. Wolff.

2 Having heard the testimony, having examined the exhibits, having
3 viewed the site, and having considered the contentions of the parties,
4 the Shorelines Hearings Board comes to these

5 FINDINGS OF FACT

6 I

7 The instant substantial development is a 3-story, 25 foot wide by
8 40 foot long by 28 foot high office and apartment building located in
9 La Conner, Washington. The entire building will be constructed on a
10 25 foot wide by 69 foot long lot located on the southeast side (landward)
11 of First Street, lying southwest of Washington Street. The front of
12 the property is at approximately the same elevation as First Street.
13 The back third of the property has a steep rock bluff rising to the
14 same approximate elevation as Second Street. The proposed building
15 will be flanked on one side by a library and on the other side by
16 an architect's office. The front of the building is to be constructed
17 around two fir trees. The third floor was to be set back about 15 feet f
18 the front of the building and would extend about 20 feet beyond the rear
19 the first and second stories of the building where a deck extension
20 meets the rock bluff. A portion of the third floor, in which a
21 residence will be located, is supported by the rock bluff in two places.
22 The top of the building will extend about four feet above the lot
23 located to the rear and further landward. Except for some brush,
24 the natural vegetation on the rock bluff will remain substantially
25 the same.

26 Appellants, Cook and Malden, each own property lying immediately

27 FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

1 to the rear (landward) of the subject lot.

2 II

3 Gable applied for a shoreline substantial development permit in
4 the summer of 1978. His proposed building design was approved by the
5 Town Planning Commission and Historical Preservation Committee as
6 meeting the applicable laws and being of a design compatible with the
7 character of the town. The Town Council approved the application and
8 the permit was appealed to this Board.

9 III

10 Appellants withdrew their objections relating to view.

11 Appellants are concerned that the buildings in La Conner not
12 be anchored to the rock cliff which extends parallel to First Street
13 because of the fractures in the rocks. Also of concern to appellants
14 is the capability of the town's fire department to control
15 a fire at the structure.

16 IV

17 The approved shoreline master program incorporates all of the
18 shoreline in the La Conner National Historical District within a
19 Historical Conservancy Area. In earlier times, buildings were placed
20 on the shore edge for water-oriented trade. Some of these structures
21 exist today and serve as landmarks and as a tourist and commercial
22 center for the town. See Section 5.01.

23 Compatible shoreline uses within the Historical Conservancy
24 Area are allowed and encouraged. Section 5.02. Included in such
25 uses are commercial and residential developments which conform to
26 criteria of the Historic Preservation Committee and town ordinances.

27 FINAL FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER

1 Section 5.03. Compatibility with the site, surrounding area and
2 historical character of the area is a requirement which must be met
3 by the proposed development, which lies within the Historical Conservancy
4 Area and urban environment designation.

5 Appellants contend that the proposed office and residence are
6 not compatible with the town because there are no 3-story buildings
7 in La Conner, no structure rises from First Street above the top of the
8 aforementioned bluff and no building has been attached to the bluff.

9 The proposed development is within the height restrictions
10 for buildings similarly situated. The town, including its Historical
11 Preservation Committee, has concluded that the proposed development
12 is compatible with the character of the town. We have not been
13 persuaded to disturb this decision even though the top of the structure
14 would rise four feet above the bluff and no other building now rests on
15 the bluff.

16 V

17 A soils and foundation study of the site concludes that the
18 proposed development can be constructed at the site.

19 VI

20 La Conner's zoning ordinance No. 399, which has since been
21 superseded, applies to this structure. The structure was not shown
22 to be inconsistent with any provision of the ordinance.

23 VII

24 Any Conclusion of Law which should be deemed a Finding of
25 Fact is hereby adopted as such.

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER

1 From these Findings the Board comes to these

2 CONCLUSIONS OF LAW

3 I

4 The instant shoreline substantial development permit is reviewed
5 for consistency with the approved La Conner Shoreline Master Program
6 and the provisions of the Shoreline Management Act. RCW 90.58.140(2)(b).
7 We conclude from the evidence presented that the proposed development
8 has not been shown to be inconsistent with any applicable standard.
9 Accordingly, the permit should be affirmed.

10 II

11 Any Finding of Fact which should be deemed a Conclusion of Law
12 is hereby adopted as such.

13 From these Conclusions the Board enters this

14 ORDER

15 The shoreline substantial development permit issued by the
16 Town of La Conner to Charles Gable is affirmed.

17 DONE this 7th day of March, 1979.

18 SHORELINES HEARINGS BOARD

19 David J. Mooney
DAVID J. MOONEY, Chairman

20 Chris Smith
CHRIS SMITH, Member

21 David Akana
DAVID AKANA, Member

22 Gerald D. Probst
GERALD D. PROBST, Member

23 Rodney L. Proctor
RODNEY PROCTOR, Member